
HOUSE BILL No. 1160

DIGEST OF INTRODUCED BILL

Citations Affected: IC 4-3-20-3; IC 10-14-3-1; IC 16-31-6-4; IC 35-47-12-2.

Synopsis: Homeland security. Permits representatives of the United States Department of Homeland Security to serve as nonvoting members of the counterterrorism and security council. Specifies that a disaster includes an act of terrorism. Provides that the civil immunity granted to a paramedic or emergency medical technician for treatment of victims in connection with an act of terrorism does not apply if the paramedic or emergency medical technician acted wantonly. Specifies that a person who knowingly or intentionally possesses or uses a weapon of mass destruction with the intent to injure crops or livestock commits agricultural terrorism.

Effective: July 1, 2005.

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January 6, 2005, read first time and referred to Committee on Public Safety and Homeland Security.

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Introduced

First Regular Session 114th General Assembly (2005)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2004 Regular Session of the General Assembly.

HOUSE BILL No. 1160

A BILL FOR AN ACT to amend the Indiana Code concerning public safety.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 4-3-20-3 IS AMENDED TO READ AS FOLLOWS
2 [EFFECTIVE JULY 1, 2005]: Sec. 3. (a) The council consists of the
3 following members:

- 4 (1) The lieutenant governor.
- 5 (2) The superintendent of the state police department.
- 6 (3) The adjutant general.
- 7 (4) The director of the state emergency management agency.
- 8 (5) The state fire marshal.
- 9 (6) The state health commissioner.
- 10 (7) The commissioner of the department of environmental
11 management.
- 12 (8) The assistant commissioner of agriculture.
- 13 (9) The chairman of the Indiana utility regulatory commission.
- 14 (10) The commissioner of the Indiana department of
15 transportation.
- 16 (11) The executive director of the Indiana criminal justice
17 institute.



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(12) A local law enforcement officer or a member of the law enforcement training academy appointed by the governor.

(13) The speaker of the house of representatives.

(14) The president pro tempore of the senate.

(15) The chief justice of the supreme court.

(b) The members of the council under subsection (a)(13), (a)(14), and (a)(15) are nonvoting members.

(c) Representatives of the United States:

(1) Department of Justice; **and**

(2) **Department of Homeland Security;**

may serve as members of the council as the council and the Department of Justice **and the Department of Homeland Security** may determine. Any representatives of the Department of Justice **or the Department of Homeland Security** serve as nonvoting members of the council.

SECTION 2. IC 10-14-3-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 1. (a) As used in this chapter, "disaster" means an occurrence or imminent threat of widespread or severe damage, injury, or loss of life or property resulting from any natural or manmade cause.

(b) The term includes the following:

(1) Fire.

(2) Flood.

(3) Earthquake.

(4) Wind.

(5) Storm.

(6) Wave action.

(7) Oil spill.

(8) Other water contamination requiring emergency action to avert danger or damage.

(9) Air contamination.

(10) Drought.

(11) Explosion.

(12) Riot.

(13) Hostile military or paramilitary action, **including an act of terrorism.**

SECTION 3. IC 16-31-6-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 4. (a) This section does not apply to an act or omission that was a result of gross negligence or willful or ~~intentional~~ **wanton** misconduct.

(b) An act or omission of a paramedic, an emergency medical technician-intermediate, an emergency medical technician-basic advanced, an emergency medical technician, or a person with

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equivalent certification from another state that is performed or made while providing advanced life support or basic life support to a patient or trauma victim does not impose liability upon the paramedic, the emergency medical technician-intermediate, the emergency medical technician-basic advanced, an emergency medical technician, the person with equivalent certification from another state, a hospital, a provider organization, a governmental entity, or an employee or other staff of a hospital, provider organization, or governmental entity if the advanced life support or basic life support is provided in good faith:

(1) in connection with a disaster emergency declared by the governor under IC 10-14-3-12 in response to an act that the governor in good faith believes to be an act of terrorism (as defined in IC 35-41-1-26.5); and

(2) in accordance with the rules adopted by the Indiana emergency medical services commission or the disaster emergency declaration of the governor.

SECTION 4. IC 35-47-12-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 2. A person who knowingly or intentionally:

- (1) possesses;
- (2) manufactures;
- (3) places;
- (4) disseminates; or
- (5) detonates;

a weapon of mass destruction with the intent to damage, destroy, **injure**, sicken, or kill crops or livestock of another person without the consent of the other person commits agricultural terrorism, a Class C felony.

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